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08/798,703	02/12/97	HICKMAN	P	NE01P010A

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EXAMINER
LE, D

ART UNIT	PAPER NUMBER
2785	13

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No.	Applicant(s)
	08/798,703	PAUL HICKMAN
	Examiner	Group Art Unit
	DIEU-MINH LE	2785

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _THREE (3)_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- [X] Responsive to communication(s) filed on ___05/12/00___ .
- [ ] This action is **FINAL.**
- [ ] Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 1 1; 453 O.G. 213.

Disposition of Claims

- [X] Claim(s) ___1, 21-41___ is/are pending in the application.
  - Of the above claim(s) _____ is/are withdrawn from consideration.
- [ ] Claim(s)_____ is/are allowed.
- [X] Claim(s)___1, 21-41___ is/are rejected.
- [ ] Claim(s)_____ is/are objected to.
- [ ] Claim(s)_____ are subject to restriction or election requirement.

Application Papers

- [ ] See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- [ ] The proposed drawing correction, filed on _____ is [ ] approved [ ] disapproved.
- [ ] The drawing(s) filed on _____ is/are objected to by the Examiner.
- [ ] The specification is objected to by the Examiner.
- [ ] The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- [ ] Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 11 9(a)-(d).
  - [ ] All [ ] Some* [ ] None of the CERTIFIED copies of the priority documents have been
  - [ ] received.
  - [ ] received in Application No. (Series Code/Serial Number)_____ .
  - [ ] received in this national stage application from the International Bureau (PCT Rule 1 7.2(a)).

  *Certified copies not received:_____ .

Attachment(s)

- [ ] Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- [X] Notice of Reference(s) Cited, PTO-892
- [ ] Notice of Draftsperson's Patent Drawing Review, PTO-948
- [ ] Interview Summary, PTO-413
- [ ] Notice of Informal Patent Application, PTO-152
- [ ] Other_____

Office Action Summary

Part III   DETAILED ACTION

1.   This Office Action is in response to the CPA filed May

12, 2000 in application 08/798,703.

Drawings

2.   This application has been filed with informal drawings which

are acceptable for examination purposes only. Formal drawings

will be required when the application is allowed.

Specification

3.   Claims 2-19 have been canceled, claim 1 is again presented

for examination and claims 21-41 have been added.

4.   The cross reference related to the application cited in the

specification must be updated (i.e. on page 1, line 14, the

Attorney Docket Number for this applications should be changed to

U.S. Patent Application Serial Number).

Claim Objections

3.   Claims 21-22 are objected to because of the following

informalities:

In claim 21, line 1, before "1", --claim-- should be inserted;

In claim 2, line 2, before "1", --claim-- should be inserted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the first paragraph of 35 U.S.C.

112:

> The specification shall contain a written description of the invention,
> and of the manner and process of making and using it, in such full,
> clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to
> make and use the same and shall set forth the best mode contemplated by
> the inventor of carrying out his invention.

6.   Claims 1, 21-31 are rejected under 35 U.S.C. 112, first paragraph,

as containing subject matter which was not described in the

specification in such a way as to enable one skilled in the art to which

it pertains, or with which it is most nearly connected, to make and/or

use the invention.

        a.   As to claim 1, lines 1-3, contains the language "*over a

TCP/IP protocol network comprising: at least one host computer connected

to a TCP/IP protocol network, said host computer being capable of being

remotely controlled by a client computer;" however, there is no support

in the specification or drawings for this language for these reasons;

   b.   As to claims 21-31, these claims inherit the deficiencies of

the independent claim.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms

the basis for all obviousness rejections set forth in this Office

action:

> (a) A patent may not be obtained though the invention is not identically
> disclosed or described as set forth in section 102 of this title, if the
> differences between the subject matter sought to be patented and the prior
> art are such that the subject matter as a whole would have been obvious at
> the time the invention was made to a person having ordinary skill in the
> art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

8.   This application currently names joint inventors. In

considering patentability of the claims under 35 U.S.C. 103(a),

the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered

therein were made absent any evidence to the contrary. Applicant

is advised of the obligation under 37 CFR 1.56 to point out the

inventor and invention dates of each claim that was not commonly

owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103© and

potential 35 U.S.C. 102(f) or (g) prior art under 35
U.S.C. 103(a).

9.   Claims 1, 21-41 are rejected under 35 U.S.C. 103 (a) as
being unpatentable over Konrad (US Patent 5,696,901) in view of
Blumer et al. (US Patent 5,732,219 hereafter referred to as
Blumer).

9.1 As per claim 1:

Konrad substantially teaches the invention. Konrad teaches:

- a network [fig. 1, col. 25, lines 8-10];

- a client computer connected to a network [col. 25, line 7
and line 30];

- an advertising publisher connected to a network [col. 25,
line 6].

Konrad does not explicitly teach:

- at least one host computer connected to a TCP/IP protocol
network.

Blumer explicitly discloses:

- a client/server computer system [col. 37, lines 2-5].

- at least one host computer connected to a TCP/IP protocol

network [abstract].

Therefore, it would have been obvious to a person having

ordinary skill in the art at the time the invention was made to

modify the client/host systems having a human interface service

[col. 12, lines 38-43] as disclosed by Konrad to include at least

one host computer connected to a TCP/IP protocol network as

taught by Blumer in supporting the overall system communication

access between remote user and the main host computer (i.e., data

base server, other data computer system).

This modification would have been obvious because a person

having ordinary skill in the art would have been motivated to do

so to provide the client/server computer system with a mechanism

to enhance the system access, more specifically in allowing the

remote computer or client to access the host computer to

conducting task specific.

9.2 As per claims 21-22:

Konrad explicitly teaches the use of an Internet protocol

suite for the network [col. 7, lines 65-67];

Blumer also teaches:

- a network is an Internet-type network [col. 2, line 51].

9.3 As per claims 23-25:

Konrad explicitly teaches:

- displaying visual data via user interface service [col..
9, lines 29-40];

- motion picture data communication between the host and
client computers [col. 15, lines 14-40].

Konrad does not explicitly teach:

- a wed page accessible via the network.

However, Konrad does disclose capability of:

- a desired utility client and a desired utility server run
on the host and client computers [fig. 1, col. 25, lines 11-38]

Blumer explicitly discloses:

- a client/server computer system [col. 37, lines 2-5].

- a wed browser program running on the client/server
computer system [col. 10, lines 21-32].

Therefore, it would have been obvious to a person having
ordinary skill in the art at the time the invention was made to

modify the client/host systems having a human interface service
[col. 12, lines 38-43] as disclosed by Konrad to include
explicitly the wed browser as taught by Blumer in supporting the
overall system communication access between remote user and the
main host computer (i.e., data base server, other data computer
system) for the same reasons set forth in paragraph 9.1, **supra**.

9.4 As per claims 26-27:

Blumer explicitly discloses:

- a client/server computer system [col. 37, lines 2-5].

- information about the poster and passwords defined within
the clients/server environment [col. 13, lines 19-25].

9.5 As per claims 28, 30:

Blumer explicitly discloses:

- one web page having HTML code to the advertising publisher
[abstract];

Konrad does not explicitly teach:

- a Java code.

However, Konrad does disclose capability of:

- a desired utility client and a desired utility server run
on the host and client computers [fig. 1, col. 25, lines 11-38].

Blumer explicitly discloses:

- a client/server computer system [col. 37, lines 2-5].

- a wed browser program running on the client/server
computer system [col. 10, lines 21-32].

- executable script program **(Java program)** [col. 2, lines
64-67 and col. 37, lines 16-36].

Therefore, it would have been obvious to a person having
ordinary skill in the art at the time the invention was made to
modify the client/host systems having a human interface service
[col. 12, lines 38-43] as disclosed by Konrad to include
explicitly the script **program (i.e., Java program)** as taught by
Blumer in allowing the client users to access the Internet
information with high reliability and performance.

This modification would have been obvious because a person
having ordinary skill in the art would have been motivated to do
so to provide the client/server computer system with a mechanism
to improve the system access, more specifically in allowing the
remote computer or client to access the host computer to access
Internet information with high fidelity. That is by utilizing
this approach,

first, client computer can easily view Internet information

on the server including performing realtime interaction via a

browser function **with independent of client/server operating**

systems [Blumer, col. 4, lines 42-58].

second, Internet information can easily be retrieved and can

be processed very fast via the executable script program (i.e.,

Java).

9.6 As per claim 29:

Konrad explicitly discloses:

- the advertising information is electronically mailed to

the publisher computer [col. 8, col. 16].

9.7 As per claim 31:

Konrad explicitly discloses:

-the advertising information includes information allowing

the client computer to establish a connection with the host

computer [col. 25, lines 7-14].

9.8 As per claims 32-36:

Due to the similarity of claims 32-36 to claims 1, 21-31

except for a method steps for choosing a host machine compled to

a wide area network (i.e., providing advertisement, sending

selection information, establishing a connection, etc.) instead

of a system for accessing a computer over a network; therefore,

these claims also rejected under the same rationale applied

against claims 1, 21-31.

9.9 As per claims 37-41:

These claims encompass the same scope as claims 32-36 and

are rejected for the reasons given in paragraph 9.8 above.

Conclusion

10.   The prior art made of record and not relied upon is

considered pertinent to applicant's disclosure.

11.   A shortened statutory period for response to this action is

set to expired THREE (3) months, ZERO days from the date of this

letter.   Failure to respond within the period for response will

cause the application to be abandoned. 35 U.S.C. 133.

12.   Any inquiry concerning this communication or earlier
communications from the examiner should be directed to Dieu-Minh
Le whose telephone number is (703) 305-9408.   The examiner can
normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM.
The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703)305-9713. The fax phone number for this Group is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:
> Commissioner of Patents and Trademarks
> Washington, D.C. 20231

or faxed to:
> (703) 308-9051, (for formal communications intended for entry)

Or:
> (703) 305-9724 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

DIEU-MINH THAI LE
PRIMARY EXAMINER
ART UNIT 2785

DML
July 24, 2000